

RECEIVED  
CENTRAL FAX CENTER

OFFICIAL

JUN 10 2004

SQUIRE, SANDERS &amp; DEMPSEY L.L.P.

SQUIRE  
SANDERSLEGAL  
COUNSEL  
WORLDWIDEOffice: +1.415.954.0323  
Fax: +1.415.393-9887  
Preferred Fax: +1.415.393-9887  
If Problems: +1.415.954.0200

June 10, 2004

PLEASE DELIVER THESE PAGES IMMEDIATELY

No. of Pages (including cover): 3

JUN 10 2004

To: Corrine McDermott

Facsimile No: (703) 872-9306

Company: Patent &amp; Trademark Office

Confirmation No: 703-308-2111

From: Charles E. Runyan, Esq.

Direct Dial No: +1.415.954-0235

E-mail: [crunyan@ssd.com](mailto:crunyan@ssd.com)

Re: Our File: 50623.26 - 09/748,412

Message:

Ms. McDermott, you are being copied on this communication. Please see attached.

## CONFIDENTIALITY NOTICE:

The attached information is LEGALLY PRIVILEGED AND CONFIDENTIAL and is intended only for the use of the addressee named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, please be aware that any dissemination, distribution or duplication of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the postal service. Thank you.

Sender No.: 08371

50623.26

Pat Gamble

Job No: 107229

Return to Office

RECEIVED  
CENTRAL FAX CENTER

OFFICIAL

JUN 10 2004

PATENT  
Attorney Docket No.: 50623.00026

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wouter E. Roorda	Examiner: H. Phan
Serial No.: 09/748,412	Art Unit: 3738
Filed: December 21, 2000	
Title: Device And Active Component For Inhibiting Formation Of Thrombus-Inflammatory Cell Matrix	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION

Dear Examiner Phan:

This letter continues our conversation of last week. I set out below the issues I wish to discuss in the interview I have requested.

Drawing requirement

Fearnot reference

Fearnot does not teach a component for reducing the formation of thrombi OVER a component for reducing infiltration of macrophages in the thrombi. Fearnot may teach a structure with multiple layers of biomaterials but it does not teach this selection criteria.

Fearnot's disclosure nowhere teaches an active component mixed with any polymer, nor the specific polymers recited in claim 12. Furthermore, NOWHERE in the record does the Examiner allege that it so teaches.

PATENT  
Attorney Docket No.: 50623.00026

Therefore, anticipation has not been established.

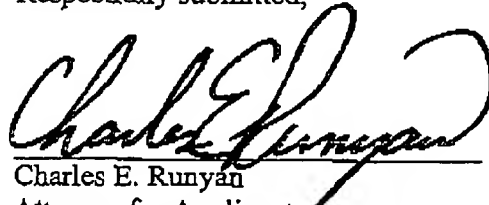
Fearnot does not teach a component for reducing the formation of thrombi OVER a steroidal or non-steroidal anti-inflammatory substance, as is recited by claims 18-19.

Fearnot does not teach a component in which polytetrafluoroethylene and a material that reduces or prevents the formation of thrombi are mixed.

You were clear that you would not grant an interview, if its only purpose was to rehash old arguments. I think the listing above demonstrates that there are new issues to discuss at least for some of the dependent claims. If you do not concur, I, nonetheless, urge you to grant the interview. At this point, the record is such that if I were to prepare an appeal brief, the case would likely be returned from the board for further prosecution. I would prefer to avoid that expense and time for my client.

I will call you on June 14, 2004, to see about setting up an interview time if you are willing.

Respectfully submitted,

  
Charles E. Runyan  
Attorney for Applicants  
Reg. No. 43,066

Date: 10 June 2004

Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza  
Suite 300  
San Francisco, CA 94111  
Facsimile (415) 393-9887  
Telephone (415) 954-0235  
crunyan@ssd.com